

[The Raja of Panagal]

[3rd April 1923]

to motto before me. I wanted not to forsake God for the sake of man. If in that attempt I have offended any, I crave their pardon; and those who have accepted the Bill in its present form, I thank" (applause).

Mr. A. RAMASWAMI MUDALIYAR :—" I move that the question be now put."

The closure was put and carried.

The motion that the Bill be passed into law was then put and carried.

IV

HIS EXCELLENCY THE GOVERNOR'S ADDRESS TO THE COUNCIL BEFORE PROROGATION.

HIS EXCELLENCY THE GOVERNOR :—" Mr. Deputy President, and hon.

4-30 p.m.

Members of the Legislative Council, as this is the last day of the third ordinary session of the Council, I think it is fitting that, before declaring the session at an end, I should invite the Council to make with me a brief review of the road we set ourselves to travel during the past two years and the extent of the progress we have made thereon.

"When opening the first session of this Council on the 14th of February 1921, I gave a brief sketch of the legislation we had then in contemplation. In the first place, I referred to the great legislative output of the year 1920, especially in matters relating to local self-government, and mentioned that it was probable that some time would be taken in ensuring the satisfactory working of the new Acts which had just been brought into force. I was a truer prophet than I thought, for I fear that the introduction of the satisfactory working of these Acts has imposed a far greater burden than most of us realize upon my hon. colleague, the First Minister, who has already carried through the Council in the course of two years no less than seven amending measures, and has two more awaiting introduction. Of the further measures contemplated in his Department the proposed Housing Bill has never taken shape, but we have introduced in its place the Madras City Tenants' Protection Act passed in 1921.

"We have also passed into law the Madras Cattle Diseases Amendment Act, the Survey Act, the Port Trust Amendment Act and ten miscellaneous Acts of minor importance, and the very important Bill dealing with Hindu Religious Endowments has now been added to the list. In addition to these, my hon. colleagues, the Second and Third Ministers, have devised and carried the very important Acts dealing with State Aid to Industries and the University.

"So much for what we have done, and I think I may say in passing that it is no mean list of legislative achievement for a new Council in the first two years of its existence. Now, as regards what we have left undone. We have been unable, for reasons of which the Council are well aware, to make any progress with the Madras Revenue Settlement Bill. We have prepared and have ready a Bill to deal with the vexed question of landlord and tenant but the experience of other provinces in this matter and the very large amount of legislation that we have had in hand during the last session have deterred us from introducing it until we have tested it from every point of view and have time for a thorough discussion of it in the Council.

"Further we have failed, through the action of the Council, to make any progress with another Bill of equal importance, namely, that relating to the

3rd April 1923]

rights of landlords and tenants in the matter of irrigation. As to this, hon. Members will remember that I told them in February 1921 that the Bill had already been prepared and that the hon. Member in charge was hoping then soon to be able to take action upon it. The measure was prepared with great care and elaboration, embodying in it certain operative provisions of longstanding existing law, others that had stood the test of experience in other provinces, others that formed part of a private member's Bill and others again that were necessary to clarify the law in view of conflicting decisions of the courts. The Bill was examined and accepted by the Government of India. We had hoped to have it ready for introduction in August of last year, but owing to unexpected delay, had to postpone publication till December. I feel that, in fairness to my Ministers, I should inform hon. Members that they then made it quite clear to myself and other members of my Government that they felt considerable doubt as to whether we should get a majority for the Bill on its introduction, and I take the fullest responsibility for going forward with the measure, for I hoped and trusted that hon. Members would pass the Bill at this first stage, amend it in Select Committee and refrain from taking the unusual course in regard to an important Government measure of throwing it out on introduction.

"But my hopes were not fulfilled and the Bill was rejected by an overwhelming majority, consisting not only of the Leader of the Opposition and those who generally act with him, but also of non-official members representing the various communities and interests who sit in all parts of this Chamber, including most of the Ministerial majority. It then became my duty to consider what action, if any, I should take under the powers given me in the Reforms Act in reference to this adverse vote of the Council. I might have applied my certificate to the Bill, but I decided against this course of action for I have always endeavoured in my relations with the Legislative Council, to refrain from using such residuary powers if I could possibly avoid it (applause), and I do not believe for a moment that those who voted against the introduction of the Bill intended to vote that no Irrigation Bill was necessary. All that I believe they meant was that they disliked certain provisions of the particular Bill which was placed before them. The Members of my Government and I are absolutely convinced of the necessity of legislation for the regulation of the waters of our Presidency in the interests of the huge projects we have in hand, in the interests of the improvement of the agricultural prospects of the ryot population and for the purpose of securing a very necessary increase in the food supply of the country, and this feeling is, I am certain, shared by a large majority of hon. Members of this Council. I have therefore to inform the Council that, after full discussion with the whole of my Cabinet, we have unanimously resolved to take an early opportunity of introducing a fresh Irrigation Bill for the approval of hon. Members. Every care will be taken by my hon. colleague Mr. Ramaswami Ayyar, who will be in charge of the measure, to give all the interests concerned the fullest opportunity of giving their views and opinions before the Bill is introduced, and every endeavour will be made to meet as far as possible all criticisms without surrendering what cannot but be regarded as the essential principles necessary for any Irrigation Bill. The passing of such a measure has for many years been considered most urgently necessary for the promotion of the interests of our agricultural population, and I am sure I shall be able to rely on the general support of hon. Members for the introduction of legislation on this important matter.

[3rd April 1923]

" Another matter in respect of which our conditions are not so satisfactory as I could wish is that of the work to improve the condition of the labouring and the elevation of the poorer classes. At the time when I opened the first session of the Council, labour disputes were much in evidence and we were considering whether we should introduce legislation relating to strikes and unions, for the better organization of maternity aid and for the housing of industrial labour. Since then, however, the scene has shifted. Labour disputes are, I am glad to see, for the time being at an end; the general question of legislation has been taken in hand at the instance of the League of Nations by the Government of India, and they have passed two Acts dealing with factories, one dealing with compensation of workmen for injuries and another with Indian emigration, while they have legislation relating to trades unions in hand.

" At the same time, a great deal of interest has been concentrated on the condition of Indian labour abroad and I am sure hon. Members must have read with interest and satisfaction the speeches made during the discussions which have recently taken place in the Legislative Assembly in connexion with the final settlement of the rules under the new Emigration Act which govern the emigration of our workmen to Ceylon and the Malay States. I would add that I am sure we were all delighted to see the active part which our members from Madras took in influencing the decisions that were arrived at.

" But I want in all seriousness to ask two questions of hon. Members in order to put the position as I see it clearly before their minds. Is it altogether honest on our part to insist on these regulations for our labourers from other Governments unless we are determined to secure equally favourable conditions for all workers in our own Province? Can we with any justice demand that fair and equal treatment which we all agree should be given to Indians in other parts of the British Empire, if we do not put our own house in order and insist on securing similar treatment for all our citizens within our own borders? I am speaking very frankly, for I feel very strongly that conditions of labour in parts of our Province are so bad that they demand urgent and drastic remedy. Government have endeavoured in the past, and will continue their efforts to improve the prospects in life for these poor people, but to ensure complete success we require the whole force of public opinion behind us. I therefore appeal to every hon. Member of this Council for the credit of our Presidency, I go further and say for the sake of humanity, to rouse that public opinion in order that we may all ensure that every employer of labour shall be forced to undertake his full responsibility for the fair treatment and well-being of his workmen, and that the labourer shall secure all those advantages at home which we have been so eagerly working to secure for him when he leaves his country to work for employers in countries overseas. I am specially impelled to make this appeal at this time, because I have lately received certain information from officers of the Health Department, who have been actively engaged in combating the effects of the relapsing fever epidemic which is widespread in certain parts of the Presidency, that makes it clear to me that the relations between employers and their labourers are, to say the least of it, most unsatisfactory in certain areas and I wish to make, as Head of the Government, a very special appeal to every hon. Member of the Council on this matter.

3rd April 1923]

"Let me remind hon. Members in concluding this reference to labour conditions of the momentous words used by His Royal Highness the Duke of Connaught when he opened this Council over two years ago :

4-45 p.m. In India, as elsewhere, political development is only a vehicle for human life and human progress. Its function is to provide a nation with means for increasing the happiness of the people. The form has an importance of its own ; but the spirit is vital ; for liberty, unless human brotherhood follows in its steps, may easily become a greater tyranny.

No truer words were ever spoken, and I trust they will never be forgotten (applause).

"I much regret that we have failed in another and very important matter, namely, that of balancing our Budget. It is some excuse for us in this connexion that we failed in the first instance in common with almost all the rest of the world. For figures compiled by the League of Nations of the Budgets for 1921 show that only four nations out of 26 for which they had statistics had succeeded in making revenue cover expenditure. We have the further excuse that but for the failure of another Government our Budget would have balanced with something to spare. But might not England also say that she would have had a fine balance to credit if her debtors had paid their debts ? We have looked for payment, but so far in vain, and I feel that I must put it to the Council that the time has now come for a long pull and a strong pull and a final pull, to make the two ends meet. In saying this I am not unaware in what an exasperating position such a state of affairs must place hon. Members and very especially my hon. colleagues who are aching to get ahead with their various schemes of reforms, when they see the money that should go to pay for them going out of the Presidency. All I can say is that I much hope from the figures that have been placed before the Council recently that we shall be able to reach equilibrium without the remission of the contributions in 1924-25, and from the statements made in the Imperial Assembly that we shall from the same date be able to claim a remission of our contributions which will enable our next Government to go forward with the many urgently necessary developments in their various departments. And in saying this I am sure hon. Members would wish me to thank our Finance Member for the absolutely untiring manner in which he has worked in the preparation of the Budget, and the tact and patience he has shown in piloting it through the Council (applause). May I also express a sense of gratitude on behalf of my Government and myself to hon. Members for the good judgment and at the same time restraint with which they have dealt with the numerous demands that have been placed before them during these protracted Budget discussions ?

"I wish very particularly to emphasize this expression of opinion, for it is now my duty to explain to hon. Members why I have felt bound to take action under section 72 (D) (2) (a) of the Government of India Act, with regard to two particular Budget demands and adopt the procedure of certification. I think that this situation would probably never have arisen if, after studying the explanatory memorandum containing further facts placed before them by my hon. colleague, the Finance Member, hon. Members had been able to discuss these demands on their merits and had not been precluded from that discussion by reason of the operation of Standing Order 30. Hon. Members are aware that the Act allows the Governor to certify nothing but the original demand and the Standing Orders give the Council no opportunity of reviewing a vote previously taken. I can assure hon. Members that it is

[3rd April 1923]

only after much anxious consideration I have felt myself bound to certify the expenditure provided by these demands which is to my mind essential to the discharge of my responsibility for these particular subjects.

"With regard to my certification of the amount required for the Agency, a perusal of the discussion of the motion by which the demand for the Agency was reduced by five lakhs of rupees leads me to believe that the object of hon. Members who voted for this reduction was to bring about the abolition of the separate Agency division and the restoration of the system of administration in force before 1920. But this change, if carried out, would not by itself result in any such saving as is represented by a reduction of five lakhs of rupees, and from information I have received I am clear that the effect of accepting the reduction could only be to reduce the general expenditure in the Agency to a standard even below that which prevailed before the Agency division was constituted.

"To effect a saving of five lakhs of rupees it would be necessary not only to stop all progress but even to abandon the maintenance of existing communications, to reduce dispensaries and medical services, to close down the activities of the Veterinary and Co-operative Departments and to make a heavy reduction in the scanty educational facilities which now exist. The standards of expenditure per head of the population in the Agency under Education, Medical Relief and Public Health are already far below those of the rest of the Presidency.

"His Imperial Majesty's Instrument of Instructions issued to me as the Governor of this Presidency specially imposes upon me the duty of making due provision for the advancement and social welfare of those among the people who whether on account of the smallness of their number or their lack of educational or material advantages or from any other cause need special protection, and I should be failing to carry out this command if I permitted such a reduction in the provision for the Agency as would involve not merely the abandonment of all advancement but even a withdrawal of such provision as has hitherto been found necessary to meet the medical, educational and economic needs of the area.

"The question of abolishing the Agency division and restoring the previous system of administration will come up for consideration on the report of the Retrenchment Committee which has already been submitted to Government. Should that step be decided upon by Government a saving in expenditure will result, but until the reorganization if approved of is actually effected, I have no alternative but to certify that the demand as originally asked for is essential to the discharge of my responsibility.

"Let me turn to the second item, namely, my certification of the amount required to meet the pay of the Chief Inspector of Factories. I have given very careful consideration to the matter and am convinced that apart from the fact that the abolition of the office would during the coming year entail in compensation to the displaced officer and in other ways an amount actually larger than that saved by dispensing with the Chief Inspector's services, the abolition of the office at this juncture would seriously prejudice and endanger the proper working of the department.

"The new Factories Act which has recently been passed is intended to provide for the better protection of the interests of labourers in factories, including their health and their comfort. It provides for the exercise of supervision over many factories which have hitherto been

3rd April 1923]

uncontrolled and owing to these provisions has more than doubled the number of factories to be inspected by our staff. On this ground alone the time is most inopportune for any reduction in the inspectors who are already called upon to undertake a larger number of inspections than before.

"As regards the Chief Inspector, the abolition of his office must necessarily result in a deterioration of the work done by the department. The increased stringency of the provisions of the Act and Rules makes it more than ever essential that the work of the inspectors should be subject to expert supervision and check such as would be absent if, as has been suggested, they were placed directly under the Commissioner of Labour, while the latter officer would equally be unable satisfactorily to perform the statutory duties now laid upon the Chief Inspector.

"The improvement of labour conditions in factories is a matter which is demanding attention all over the world and the first item in the Agenda of the next International Labour Conference at Geneva, under the auspices of the League of Nations, relates to the question of the improvement of factory inspection. Under these circumstances, I cannot accept this reduction for I consider that it would be altogether wrong that the Factory Department under the Government should now relax its efforts for the benefit of the labourer by introducing a lower standard both in the extent and quality of its inspections.

"It is in these circumstances that I have felt compelled to certify that the continuance of a supervising officer in the person of a Chief Inspector and the retention of the provision made for his pay is essential to the discharge of my responsibility for the administration of the department of Labour and Factories.

"There is one other demand which came under the operation of Standing Order 30 as to which I wish to say a few words. I refer to the demand for money to meet the cost of certain allowances in the Settlement and Survey Departments. I considered the question whether here, as in the two other cases, it was necessary for me to use my power of certification. I am aware that these particular allowances have been approved by the Finance Committee in the first instance and recommended also by the Retrenchment Committee; at the same time, I know that the whole question of allowances is one on which hon. Members of the Council feel very strongly. The conclusion I have therefore come to is that, as the whole question of allowances in all departments has now been examined and reported on by the Retrenchment Committee whose report will be considered by the Government in the course of the next few days, I should leave these allowances to be dealt with as part of the general question as to which I much hope that Government will be able to lay the conclusions they have arrived at before hon. Members when the Council meets for its next session and to place before the Council at its next meeting supplementary demands in respect of any allowances which are then considered by the Government to be necessary.

"And now for a few words on my impressions of the progress we have made in our work since the Reforms came into operation. Most sincerely I can say to hon. Members that I think they may well be satisfied with the very successful start they have made in Parliamentary life. This success is due, I am sure hon. Members would admit it, very largely to the really admirable manner in which our President (applause) has guided, controlled and conducted the business of our Council, and has, with the untiring help of his Secretary, Mr. Swamikannu Pillai (applause) and his staff, so organized

[3rd April 1923]

the new Council Office that all matters connected with our Council work have run very smoothly indeed. It is due also, and I am sure the President, if he were here, would endorse every word that I say on this head, to the fact that all Members of this Council have earnestly striven to support the President in all matters connected with rules and order, and have, I gratefully acknowledge, done everything in their power to conduct our affairs here according to the best Parliamentary traditions. I can assure hon. Members that it has been a great satisfaction to me to feel that our debates and discussions have been conducted in such a friendly spirit hitherto that the President and I have never had even to consider the appointment of a Serjeant-at-Arms (laughter).

"I think I may claim too that much credit is due to my hon. colleagues, both Executive Councillors and Ministers, who are in charge of the various portfolios, for the spirit of co-operation they have shown with hon. Members by their desire to keep them fully informed on all matters connected with their several departments, realizing, as they all have done, that as far as possible the final decision on any question must be settled by the votes of non-official Members of the Council; to my colleagues too must be given a great part of the credit for almost entirely getting rid of the dyarchic system in our Cabinet discussions. Their loyal and hearty co-operation has made it an easy matter to do our work as a united Cabinet and not as two divided halves (applause).

"We have had our difficulties to contend with, but these difficulties have been overcome by a common impulse, a confidence amongst us all that we were working for a common purpose, a spirit of determination to make the Reform Scheme succeed. As Head of the Government, I would express my grateful thanks to the President, for the constant advice and counsel he has always been ready to give me whenever I required it, to all my hon. colleagues who have always given me the most loyal assistance in all matters connected with our administration, and to every Member of this Council for the sound judgment, steadiness and good sense with which they have exercised their great powers and responsibilities. We started our work on different principles to that of any other Province, principles which were much criticized at the time, principles as to which I was gravely warned of the troubles I was laying up for myself as head of the administration. Thanks to the good will and co-operation of all, those gloomy prophets have been confounded (applause). Our progress has been sound and sure, and I look forward with all confidence to the future.

"In conclusion, I have to inform hon. Members that Government propose
5-15 p.m. as at present advised to hold a short session early in August. After that session, the Council will be dissolved and the elections will be held in October. This arrangement will, we feel, be more satisfactory both for the general administration and for Members of the newly elected Council than to allow this Parliament to run its full course, for it will give two or three months in which to settle down to work before the Budget discussions come on next year.

"I declare this Council to be prorogued" (prolonged cheers).

His Excellency then left the Council Chamber.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.